

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ASHLY TRASK,	)	
	)	
Plaintiff,	)	Civil Action No. 16-999
	)	
v.	)	Judge Cathy Bissoon
	)	
JAY SCARCELLI,	)	
	)	
Defendant.	)	

**ORDER**

For the reasons that follow, Plaintiff's Motion for entry of default judgment (**Doc. 7**) will be granted.

Plaintiff filed a Complaint on July 4, 2016. Plaintiff's counsel, Martell Harris, personally served Defendant with the Summons and Complaint on July 5, 2016. Defendant's Answer was due on July 26, 2016. No Answer or other response was filed. On July 27, 2016 Plaintiff filed a request for entry of default against Defendant. The Clerk entered default as to Defendant on July 28, 2016. On that same day, Plaintiff filed a Motion for Default Judgment against Defendant. (Doc. 7). As Defendant has not answered or otherwise responded to the Complaint in accordance with Federal Rule of Civil Procedure 12(a), Plaintiff's motion for entry of default judgment (**Doc. 7**) is **GRANTED**.

Consistent with the foregoing, **DEFAULT JUDGMENT** is granted in favor of Plaintiff, and against Defendant, with respect to liability. Plaintiff's Motion does not request a damages calculation, and one cannot be made without additional proceedings. (See Pls.' Mot. at ¶ 3 (requesting that the Court schedule a hearing on the matter of damages)).

**By August 15, 2016**, Plaintiff shall file a motion proposing procedures for determining damages under Federal Rule of Civil Procedure 55(b)(2). If Plaintiff seeks a jury determination, she shall identify legal authority demonstrating her entitlement to the same. Compare Bank of America, N.A. v. Hewitt, 2009 WL 1635365, \*2 (D. N.J. Jun. 10, 2009) (authorizing courts to conduct damages hearings, subject to “any federal statutory right to a jury trial”) with Compl. (demanding jury trial).<sup>2</sup>

IT IS SO ORDERED.

August 1, 2016

s/Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All Counsel of Record

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<sup>2</sup> If Plaintiffs do not wish to immediately proceed to a damages determination, their counsel may, instead of a motion, file by August 9, 2010, notice (ECF category “Notice (Other)”) with the Court proposing an alternative course of action.